

BOROUGH OF BEACH HAVEN,
COUNTY OF OCEAN

Date: July 2, 2020

Midpoint Review Report

Purpose

The Borough of Beach Haven's Settlement Agreement with Fair Share Housing Center ("FSHC") requires that the Borough comply with the statutory midpoint review requirements of the Fair Housing Act ("FHA") and specifically N.J.S.A. 52:27D-313, which provides in relevant part: "[t]he Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public." Pursuant to the FSHC Settlement Agreement, that review requires the Borough to post on its website, with a copy to FSHC, and an opportunity for comment, a status report regarding its compliance mechanisms and whether or not unbuilt sites/unfulfilled mechanisms continue to present a realistic opportunity. The Settlement also contemplates review of unmet need/deferred mechanisms, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

Relevant Background

On July 2, 2015, The Borough filed a Declaratory Judgment Action in Superior Court, in response to In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel IV"). The Borough and FSHC entered into a Settlement Agreement on September 30, 2016, which was approved at a properly-noticed Fairness Hearing, held on November 14, 2016. After a duly-notice Compliance Hearing, the Court entered a Judgment of Compliance and Repose on May 23, 2017.

Rehabilitation Program(s) Update

The Borough of Beach Haven has a zero-unit rehabilitation obligation; however, the Borough continues to participate in the County of Ocean HOME Rehabilitation Program.

Realistic Opportunity Review

The Borough of Beach Haven has a Realistic Development Potential (RDP) of zero, so there is currently no RDP obligation to satisfy.

Unmet Need or Deferred Mechanisms

<u>Mechanism</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Additional Information</u>
Overlay Zone	Yes. 2017-11C	2 affordable units have been created through this ordinance since 2017.
Inclusionary Zoning Ordinance	Yes. 2017-12C	3 affordable units have been created through this ordinance since 2017.

Very Low Income Analysis

No very-low-income units have been created to date, but the Borough remains committed to providing very-low-income units when the opportunity arises. The Borough is pursuing the creation of a women's shelter, which has the potential of providing VLI units.

Conclusion

The Borough's plan implementation continues to create a realistic opportunity where that standard is applicable, and the Borough maintains sufficient mechanisms for addressing unmet need.